United Nations A/50/PV.101

General Assembly
Fiftieth Session

Official Records

101st plenary meeting
Wednesday, 28 February 1996, 10 a.m.
New York

President: Mr. Diogo Freitas do Amaral ..... (Portugal)

The meeting was called to order at 11.10 a.m.

Tribute to the memory of the late King of the Kingdom of Lesotho, His Majesty King Moshoeshoe II

The President: Before we begin our consideration of the items on the agenda this morning, the General Assembly will pay tribute to the memory of the late King of the Kingdom of Lesotho, His Majesty King Moshoeshoe II.

On behalf of the General Assembly, I should like to convey our heartfelt condolences to the Government and the people of Lesotho and to the bereaved family.

I invite representatives to stand and observe a minute of silence in tribute to the memory of the late King of the Kingdom of Lesotho.

The members of the General Assembly observed a minute of silence.

The President: I call on the representative of the United Republic of Tanzania.

Mr. Mwakawago (United Republic of Tanzania): On behalf of the African Group, I would like to pay tribute to the late King Moshoeshoe II of Lesotho, whose untimely and tragic death in a road accident on 15 January robbed the Kingdom of a very energetic and far-sighted monarch. During his reign Lesotho became an active member of southern Africa, Africa and the world. He was committed to African liberation and the development and advancement of his Kingdom. His legacy will be remembered for generations.

At this time of extreme sorrow, I would like to express our sincere condolences to His Majesty King Letsie III, the family of King Moshoeshoe II and the Government and the people of Lesotho. May his soul rest in eternal peace.

The President: I now call on the representative of India.

Mr. Surie (India): On behalf of the Asian Group, I wish to convey deep condolences to the Government and the people of Lesotho on the untimely demise of His Majesty King Moshoeshoe II in a car accident on 15 January 1996. Our deepest sympathies also go to Her Majesty Queen Mamohato Bereng Seeiso and the members of the bereaved family in their hour of grief.

King Moshoeshoe II belonged to the generation of leaders who led their countries not only in the colonial era, but in subsequent independence from colonialism. It may be recalled that while he was installed as paramount chief of the Basotho nation in 1960, he assumed the title of King when Lesotho's independence was restored in 1966.

As a constitutional monarch he was actively associated with improving the welfare of the Basotho people and placed particular importance on education and

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social development, which he considered the keys to the progress of his nation.

His untimely death signals the passing of an era.

The President: I now call on the representative of Belarus.

Mr. Sychou (Belarus): On behalf of the Group of Eastern European States, I have the honour to extend sincere condolences to the family of His Majesty King Moshoeshoe II and, indeed, to all the people of Lesotho on their great loss.

On 15 January we were dismayed and shocked to learn that a tragic accident had put an end to the life of King Moshoeshoe II, a true and beloved son of his country, a distinguished statesman and a renowned leader for peace and prosperity for the nation of Lesotho.

At this tragic moment for the nation of Lesotho, we wholeheartedly share its deep feelings of grief and sorrow.

The President: I now call on the representative of Colombia.

Mr. Borda (Colombia) *(interpretation from Spanish)*: I have the honour, on behalf of the Group of Latin American and Caribbean States, to come before this Assembly in order to pay tribute to the memory of His Majesty King Moshoeshoe II, King of the Kingdom of Lesotho, whose tragic death last month was the result of an unfortunate accident. We wish to express the sincere condolences of the Group of Latin American and Caribbean States to the Government and the nation of the Kingdom of Lesotho, as well as to the royal family in its grief.

His Majesty King Moshoeshoe II left an important imprint upon the history of his people. Thanks to his deep social sensitivity and dedication to statesmanship, he gained the appreciation of his people, who will always remember him. In remembering him today, the Group of Latin American and Caribbean States expresses its fervent hopes for the future prosperity and progress of the people and the Kingdom of Lesotho. We express our best wishes for the well-being of the new King, His Majesty King Letsie III, and we are convinced that in his wisdom he will lead his people along the path of democracy, peace and prosperity.

Mr. Moubarak (Lebanon), Vice-President, took the Chair.

The Acting President: I call on the representative of Portugal.

Mr. Catarino (Portugal): I have the honour to speak on behalf of the Group of Western European and Other States.

It is with deep sorrow that I wish to pay tribute to the memory of His Majesty King Constantine Bereng Seeiso Moshoeshoe II of Lesotho, who tragically passed away on 15 January 1996.

His Majesty King Moshoeshoe II earned widespread respect in the international community, enjoying exceptional moral authority in his country and abroad. He was a man with a profound interest in the welfare of the Basotho people and had great interest in education and social development, which he rightly considered to be the keys to the development and progress of his people. Good examples of this are the Mohato Scholarship Fund and the Moshoeshoe II High School Scholarship Fund, which were created to aid Basotho youngsters in furthering their education.

In this forum I will limit myself to recalling the significant role of His Majesty King Moshoeshoe II and the natural and constructive approach he had towards existing problems in the African continent, as well as his personal commitment towards charitable organizations with the purpose of raising funds for special social and development projects and programmes.

I would like to conclude by expressing my Group's sincere and heartfelt condolences and feelings of sympathy to the new monarch, His Majesty King Letsie III, to the Government and the people of the Kingdom of Lesotho and to the bereaved family of the late King Moshoeshoe II.

The Acting President: I now call on the representative of the United States of America.

Mr. Gnehm (USA): On behalf of the host country, the Government and the people of the United States wish to convey their deepest sorrow on the untimely death of King Moshoeshoe II of Lesotho. We extend our condolences and sympathies to the late King's family, as well as to the Government and the people of Lesotho.

King Moshoeshoe was a man of peace, dedicated to the principles of the Charter of the United Nations. He desired only democracy and prosperity for his nation and

peace and friendship among nations. We hope that the legacy of peace and democracy he left in Lesotho will be the most enduring monument to his 30-year reign.

The President returned to the Chair.

King Moshoeshoe's long service to his people saw the independence of Lesotho and its entry into the international community. During those three decades, the shape of Africa and the world was changed for ever. Colonialism disappeared amidst the unstoppable march towards freedom and democracy. King Moshoeshoe lived to see that triumphant procession culminate in the final elimination of the apartheid that had surrounded his Kingdom. The men and women of a new Africa now are called on to take the place of King Moshoeshoe and the people of his generation, who laboured so hard to taste the fruits of freedom. His example will inspire them all.

The President: I now call on the representative of Lesotho.

Mr. Mangoaela (Lesotho): In the early morning hours of Monday, 15 January this year, His Majesty King Moshoeshoe II died in a car accident in the mountains of Lesotho, a terrain that is as forbidding as it is beautiful. His Majesty loved to travel in the countryside and admire the boundless beauty that is to be found there. On that fateful day, however, his mission was to go and inspect his livestock, which, in accordance with an old custom, had been sent out to pasture in the highlands, where conditions are more favourable for grazing.

The loss of the King plunged the country into an abyss of grief and shock. The nation could not believe that the end of his life had come at such an early age and in circumstances that security and safety arrangements reserved for Heads of State are supposed to guard against. The message was driven home that death and the manner in which it occurs know no bounds of age or birth.

The late King was born Constantine Bereng Seeiso in 1938 and assumed the name Moshoeshoe II upon ascending to the throne. Our first monarch to receive a modern education, he went to school in Lesotho and England and completed degrees in politics, philosophy and economics at Oxford University and in law at Warwick University in the United Kingdom. His university training imbued him with an abiding concern for the protection of human rights, and he devoted his life to that cause.

During his reign, Lesotho went through some of the most trying times of its history as a sovereign African State completely surrounded by a hostile apartheid regime that had no regard for the worth of people of African origin. The nadir of relations between Lesotho and South Africa was reached in December 1982, when apartheid South Africa mounted a savage attack on the homes of members of the South African liberation movements exiled in Lesotho, an attack that was strongly condemned by the whole world.

Speaking against this brutality before the Security Council on 14 December 1982, six days after the attack, King Moshoeshoe said:

> "The reasons [for apartheid South Africa's aggression] are well known to the members of the international community. In the first place, the Pretoria regime resents our oft-expressed abhorrence, in line with the whole of civilized mankind, of the obnoxious policy of apartheid. They hope to intimidate us into dissociating ourselves from the world-wide condemnation of the policy of apartheid and from offering moral support to the oppressed people of South Africa in their struggle for justice, freedom and equality." (*S/PV.2406, pp. 12-15*)

Lesotho has lost one of its most illustrious sons, and, on behalf of the Government and people of the Kingdom of Lesotho, I thank you, Mr. President, the Ambassadors of Tanzania, Belarus and Portugal and the representatives of Colombia and India, speaking for the various regional groupings; and the representative of the United States for their kind words and tribute to the memory of our late King. I shall not fail to convey your and their sentiments to His Majesty King Letsie III, the present monarch, and his Government.

Agenda item 120 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (Article 19 of the Charter) (A/50/888)

The President: I should like, in keeping with the established practice, to invite the attention of the General Assembly to document A/50/888. It contains a letter addressed to me by the Secretary-General in which he informs the Assembly that 41 Member States are in arrears in the payment of their financial contributions to

the United Nations within the terms of Article 19 of the Charter.

I should like to remind delegations that, under Article 19 of the Charter:

> "A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years".

May I take it that the General Assembly duly takes note of this information?

It was so decided.

The President: I should also like to inform Members that, since the issuance of document A/50/888, Cape Verde and Honduras have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

The President: This information will be reflected in the final version of document A/50/888.

Agenda item 8 (*continued*)

Adoption of the agenda and organization of work

Request for the inclusion of three additional items submitted by the Secretary-General (A/50/238/Rev.1, A/50/239 and A/50/240)

The President: The Assembly will first take up a request contained in the note by the Secretary-General circulated in document A/50/238/Rev.1.

In his note, the Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fiftieth session of an additional item entitled "Financing of the United Nations Mission in Bosnia and Herzegovina".

Owing to the nature of the item, the Secretary-General further requests that the item be allocated to the Fifth Committee.

Unless there is an objection, I shall take it that the General Assembly agrees to waive the provision of rule 40 of the rules of procedure, which would require a meeting of the General Committee on the question of the inclusion and allocation of additional items.

It was so decided.

The President: May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of its fiftieth session an item entitled "Financing of the United Nations Mission in Bosnia and Herzegovina"?

It was so decided.

The President: May I take it that the Assembly wishes to allocate this item to the Fifth Committee?

It was so decided.

The President: The Assembly will next consider the request contained in the note by the Secretary-General circulated in document A/50/239. In his note, the Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fiftieth session of an additional item entitled "Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium".

Owing to the nature of the item, the Secretary-General further requests that the item be allocated to the Fifth Committee.

Unless there is an objection, I shall take it that the General Assembly agrees to waive the provision of rule 40 of the rules of procedure which would require a meeting of the General Committee on the question of the inclusion and allocation of additional items.

It was so decided.

The President: May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of its fiftieth session an item entitled "Financing of the United Nations

Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium"?

It was so decided.

The President: May I take it that the Assembly wishes to allocate this item to the Fifth Committee?

It was so decided.

The President: The Assembly will now consider the request contained in the note by the Secretary-General circulated in document A/50/240. In his note, the Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fiftieth session of an additional item entitled "Financing of the United Nations Preventive Deployment Force".

Owing to the nature of the item, the Secretary-General further requests that the item be allocated to the Fifth Committee.

Unless there is an objection, I shall take it that the General Assembly agrees to waive the provision of rule 40 of the rules of procedure which would require a meeting of the General Committee on the question of the inclusion and allocation of additional items.

It was so decided.

The President: May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of its fiftieth session an item entitled "Financing of the United Nations Preventive Deployment Force"?

It was so decided.

The President: May I take it that the Assembly wishes to allocate this item to the Fifth Committee?

It was so decided.

The President: The Chairman of the Fifth Committee will be informed of the decisions just taken.

Agenda item 8 (*continued*)

Adoption of the agenda and organization of work

Request for the reopening of the consideration of agenda item 113 (Financial reports and audited financial statements, and reports of the Board of Auditors): letter by the Chairman of the Fifth Committee (A/50/884)

The President: In his letter addressed to me, the Chairman of the Fifth Committee requests that agenda item 113, entitled "Financial reports and audited financial statements, and reports of the Board of Auditors", be reopened during the fiftieth session of the General Assembly, in order to consider a report on the inventory control system for non-expendable property at Headquarters.

May I take it that the General Assembly, on the proposal of the Chairman of the Fifth Committee, wishes to reopen consideration of agenda item 113?

It was so decided.

The President: Members will recall that, at its 3rd plenary meeting, on 22 September 1995, the Assembly allocated this item to the Fifth Committee. May I take it that the General Assembly again wishes to allocate this item to the Fifth Committee?

It was so decided.

The President: The Chairman of the Fifth Committee will be informed of the decision just taken.

Agenda item 15 (*continued*)

Elections to fill vacancies in principal organs

(c) Election of a member of the International Court of Justice

Memorandum by the Secretary-General (A/50/865)

List of candidates nominated by national groups: notes by the Secretary-General (A/50/866 and Add.1, A/50/882)

Curricula vitae of candidates nominated by national groups: note by the Secretary-General (A/50/867)

The President: Members will recall that at its 77th plenary meeting, on 1 December 1995, the General Assembly decided to include this sub-item in the agenda of its fiftieth session and to consider it directly in plenary meeting.

In accordance with resolution 1018 (1995), adopted by the Security Council on 7 November 1995, the General Assembly will proceed to the election of a member of the International Court of Justice for the unexpired term of office of the deceased Judge Andrés Aguilar Mawdsley of Venezuela.

In connection with this election, I should like to bring the following matters to the attention of the members of the General Assembly.

First, in accordance with General Assembly resolution 264 (III) of 8 October 1948, a State which is a party to the Statute of the International Court of Justice but not a Member of the United Nations shall participate in the General Assembly in electing the members of the Court in the same manner as the States Members of the United Nations. On this occasion I am happy to welcome here the representatives of Nauru and Switzerland.

Secondly, I should like to confirm that at this time the Security Council, independently of the General Assembly, is also proceeding to elect one member of the Court. This procedure is in accordance with Article 8 of the Statute of the Court, which provides that

> "The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court."

Accordingly, the results of the voting in the General Assembly will not be communicated to the Security Council until one candidate has obtained the required majority in the Assembly.

Thirdly, I should like to draw the attention of the Assembly to the documents relating to the election. The Assembly has before it document A/50/865, which contains a memorandum by the Secretary-General on the present composition of the Court and the procedure to be followed in the General Assembly and in the Security Council with regard to the election; documents A/50/866 and A/50/866/Add.1, which contain the names of candidates who have been nominated by national groups within the required time for submission, that is, by 2 February 1996; document A/50/882, providing information concerning nominations received from national groups after 2 February 1996; and document A/50/867, which contains the curricula vitae of the candidates nominated by national groups.

In accordance with Article 10, paragraph 1, of the Statute of the Court, the candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council shall be considered as elected.

The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors, for this purpose, are all 185 Member States and the two non-member States: Nauru and Switzerland. Accordingly, 94 votes constitute an absolute majority for the purpose of electing a judge of the International Court of Justice.

I call on the representative of the Syrian Arab Republic on a point of order.

Mr. Abou-Hadid (Syrian Arab Republic) (*interpretation from Arabic*): Allow me first to express thanks for this opportunity to speak, though my delegation is truly sorry to ask to speak at this particular moment.

Our delegation, like some 40 others, was surprised this morning, before we began the procedure of electing a judge to the International Court of Justice, by the letter contained in document A/50/888. With regard to Syria's contribution to the regular budget of the United Nations for 1995, and in accordance with the letter sent by the Secretary-General to Member States, States can pay a minimum amount and remain within the terms of Article 19 of the Charter. In fact, the Syrian Government has paid an amount which is equivalent to half Syria's assessment, which is five times the required minimum.

With regard to the budget of the United Nations Truce Supervision Organization in Palestine (UNTSO), the Syrian Government paid the equivalent of half the Syrian assessment on 1 November 1995. However, this morning the Committee on Contributions said that it had not been informed of this payment by its office in Damascus. At this very moment, the Secretary of the Committee is inquiring into the matter.

Unlike delays by some other Member States, Syria's is not due to inability or unwillingness to pay its

contributions. However, there are certain procedures that we must take into account in our country, such as approval by our Parliament. Our delegation hopes that, in view of the fact that the contributions of the States on this list represent less than one half of one per cent of the United Nations budget, you, Mr. President, will bring the matter before the General Assembly and will ask that Article 19 of the Charter not be applied at this meeting, in view of the importance of the election taking place today. Furthermore, in view of the support deserved by a judge on the International Court of Justice, we hope that you will take the necessary measures, while knowing that the letter from the Secretary-General forewarned Member States of the possible consequences of failure to pay their contributions. We hope that your wisdom will prevail, Sir.

The President: The representative of the Syrian Arab Republic referred to a letter contained in document A/50/888, which the General Assembly just took note of. I have just been informed by the Secretariat that no payment has been received as of this morning from any country besides those two that were previously reported. Any questions concerning matters contained in the letter from the Secretary-General should be referred to the Comptroller of the United Nations. Considering that no further payment has been received and that we should comply with Article 19 of the Charter, my decision is that we should go ahead with the election.

The General Assembly will now proceed to a secret ballot. If in the first ballot no candidate obtains an absolute majority, it will be necessary to proceed to other ballots until a candidate has obtained that majority. Pursuant to the decision taken by the General Assembly at its 915th meeting, on 16 November 1960, these ballots shall be unrestricted.

I should like to remind representatives that, pursuant to rule 88 of the Assembly's rules of procedure,

> "After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting."

May I take it that the Assembly agrees to the procedures I have just outlined?

It was so decided.

The President: Ballot papers will now be distributed. The voting process has begun.

Representatives are requested to use only the ballot papers that are now being distributed and to place a cross to the left of the name of the candidate for whom they wish to vote. Any ballot paper on which more than one name is marked will be declared invalid. Votes may be cast only for one of the candidates whose names appear on the ballot papers.

At the invitation of the President, Mr. Ok (Cambodia), Mr. Odoi-Anim (Ghana) and Mr. Mihai (Romania) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 12 noon and resumed at 12.40 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	145
Number of invalid ballots:	0
Number of valid ballots:	145
Abstentions:	0
Number of members voting:	145
Required majority:	94
Number of votes obtained:	
Mr. Gonzalo Parra-Aranguren (Venezuela)	73
Mr. Julio A. Barberis (Argentina)	58
Mr. Francisco Villagran Kramer (Guatemala)	14

The President: Since no candidate has obtained an absolute majority in this round of balloting, the Assembly will proceed to another unrestricted ballot to fill the vacancy.

Ballot papers will now be distributed.

Only the candidates whose names appear on the ballot papers are eligible. Representatives are again requested to use only the ballot papers now being distributed and to place a cross to the left of the name of the candidate for whom they wish to vote. Any ballot paper on which more than one name is marked will be declared invalid. Votes may by cast only for one of the candidates whose names appear on the ballot papers.

At the invitation of the President, Mr. Ok (Cambodia), Mr. Odoi-Anim (Ghana) and Mr. Mihai (Romania) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 12.55 p.m. and resumed at 1.15 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	143
Number of invalid ballots:	0
Number of valid ballots:	143
Abstentions:	0
Number of members voting:	143
Required majority:	94
Number of votes obtained:	
Mr. Gonzalo Parra-Aranguren (Venezuela)	97
Mr. Julio A. Barberis (Argentina)	42
Mr. Francisco Villagran Kramer (Guatemala)	4

The President: Mr. Gonzalo Parra-Aranguren of Venezuela has obtained an absolute majority in the General Assembly.

I have communicated the result of the voting to the President of the Security Council.

I have received from the President of the Security Council the following letter:

> "I have the honour to inform you that, at the 3636th meeting of the Security Council, held on 28 February 1996 for the purpose of electing a member of the International Court of Justice for a term of office to expire on 5 February 2000, Mr. Gonzalo Parra-Aranguren obtained an absolute majority of votes."

As a result of the independent voting in the Security Council and in the General Assembly, Mr. Gonzalo Parra-Aranguren of Venezuela, having obtained an absolute majority in both organs, is duly elected a member of the International Court of Justice for a term of office expiring on 5 February 2000.

I take this opportunity to extend to him the congratulations of the Assembly on his election and to thank the tellers for their assistance.

We have thus concluded our consideration of sub-item (c) of agenda item 15.

The meeting rose at 1.20 p.m.

United Nations A/50/PV.102

General Assembly
Fiftieth Session

Official Records

102nd plenary meeting
Wednesday, 6 March 1996, 10.30 a.m.
New York

President: Mr. Diogo Freitas do Amaral . . . . . (Portugal)

In the absence of the President, Mr. Reyn (Belgium), Vice-President, took the Chair.

The meeting was called to order at 10.50 a.m.

Agenda item 120 *(continued)*

Scale of assessments for the apportionment of the expenses of the United Nations (article 19 of the Charter) (A/50/888/Add.1)

The Acting President: I should like to draw the General Assembly's attention to document A/50/888/Add.1.

In a letter contained in that document, the Secretary-General informs the President of the General Assembly that, since the issuance of his communications dated 28 February 1995, Guinea-Bissau, Saint Vincent and the Grenadines, Suriname, the Syrian Arab Republic, Turkmenistan and the United Republic of Tanzania have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

Agenda item 8 *(continued)*

Adoption of the agenda and organization of work

Request for the reopening of the consideration of agenda item 140 (United Nations Decade of International Law): letter from the Permanent Representative of Cuba (A/50/883/Rev.1)

The Acting President: Now I should like to draw the attention of the General Assembly to document A/50/883/Rev.1, which contains a letter dated 29 February 1996 from the Permanent Representative of Cuba addressed to the President of the General Assembly.

In his letter, the Permanent Representative of Cuba requests the resumption, as soon as possible, of the fiftieth session of the General Assembly, for one meeting, for the purpose of considering agenda item 140, entitled "United Nations Decade of International Law". The letter also indicated that the Minister for Foreign Affairs of Cuba had expressed his interest in addressing the General Assembly on that item in plenary meeting.

Accordingly, the Permanent Representative of Cuba requests the reopening of the consideration of agenda item 140. May I take it that the General Assembly wishes to reopen consideration of agenda item 140?

It was so decided.

The Acting President: Members will recall that, at its 3rd plenary meeting, on 22 September 1995, the Assembly allocated this agenda item to the Sixth Committee. However, in view of the circumstances, may

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I take it that the General Assembly wishes to consider agenda item 140 directly in plenary meeting?

It was so decided.

The Acting President: May I also take it that the General Assembly agrees to proceed immediately to the consideration of agenda item 140?

It was so decided.

Agenda item 140 *(continued)*

United Nations Decade of International Law

The Acting President: I first call on the Minister for Foreign Affairs of Cuba, His Excellency Mr. Roberto Robaina González.

Mr. Robaina González (Cuba) *(interpretation from Spanish):* The Government of Cuba has requested the resumption of this session of the General Assembly in order to provide information regarding the events surrounding the repeated violation of our sovereignty by aircraft originating from United States territory, and also to give notice to the international community and to world public opinion that such violations are inadmissible and have dangerous implications for regional peace and security.

Before the Assembly now, Cuba wishes to express its deep gratitude to all who, one way or another, have helped it have this opportunity to express its opinions today. We do so in all attachment to international law: the Decade of International Law is at its half-way point now, and we have committed ourselves to fulfilling its programme and content.

Cuba's position of criticism over the role of the main bodies of the United Nations — in particular, the functioning of the Security Council — is well known. That being the case, and because we are certain that the General Assembly is much more representative of the international community, we have come before you today.

In connection with the incident that took place off our shores on 24 February last, we are all well aware of the tremendous pressures that members of the Council were subjected to by the United States delegation, which was interested in obtaining a fast and undeserved condemnation of Cuba and, in addition, abusively taking advantage of the fact that it then occupied the rotating presidency of that body.

Cuba wants here to express its appreciation for the position maintained throughout this process by those members of the Security Council that disagreed with the clear attempt at manipulation by the United States and that made it impossible for the delegation of the United States to achieve the absurd and unjust condemnation it had set out to obtain.

To understand this episode one must know the background. The history of aggression against Cuba and actions in violation of its sovereignty and territorial integrity started not on 24 February of this year, but 37 years ago. One of the first acts of violence against the Cuban revolution also originated in southern Florida — as did those concerning us today — on 21 October 1959, when pirate aeroplanes dropped subversive propaganda and bombed the capital of the country, an aggressive act that cost our people precious lives. Almost exactly 35 years ago, at the same Opa-Locka base and under cover of a civil agency, part of the air force that went into action during the Bay of Pigs invasion in April 1961 was trained and prepared. In that case the emblem of the Cuban air force was painted on military planes, which equals in fraudulence the repeated use of civilian aeroplanes for military aggression.

Ever since that time, successive United States Administrations have continued to show on countless occasions their hostile policy towards Cuba, expressions of which include attempts at diplomatic isolation to a systematic policy of blockade and economic aggression, the promotion of internal subversion, illegal radio and television broadcasts, infiltration by spies and saboteurs, plans to murder the leaders of our revolution, the encouragement of terrorist activities, biological warfare, the support of armed counter-revolutionary gangs, the provision of havens for planes and boats making forays into Cuba from United States territory to carry out aggressive acts, and many other actions. The most aggressive action was the aforementioned armed invasion of our territory, organized by the United States Central Intelligence Agency in April 1961, which ended in a naval blockade and the threat of nuclear war. That was clearly the consequence of measures that Cuba had to take in the face of the danger of a direct military invasion by the United States.

With the disappearance of the Union of Soviet Socialist Republics (USSR) and the socialist bloc, with

whose help Cuba was better able to resist the aggression and blockade of the United States, the violent attempts against Cuba by groups of people of Cuban origin based in the city of Miami grew stronger. Since 1990, 14 infiltrations and armed pirate attacks have taken place against our country — carried out with boats coming from the south of the United States — and we have prevented dozens of planned terrorist acts. Some of the participants in the latest serious actions were captured, and soon they will be able to explain in court how and with whose support they got weapons, explosives, boats and advanced location and communications equipment. In addition, anti-Cuban radio broadcasts from the United States in 1995 totalled 4,480 hours a month, inciting people to violence and to the subversion of the country's established order. And Cuba has the distinction of being the only country in the world with a television station aimed against it, financed with federal United States funds.

The last in this long history of aggressive actions was the provocation by the aeroplanes of the Brothers to the Rescue organization, which during the past 20 months has violated Cuban airspace 25 times, always coming from the territory of the United States.

In September 1994, a bilateral meeting took place between the representatives of the Civil Aviation Administrations of Cuba and the United States. At that meeting the American party expressed its concern in connection with the information received from the Cuban authorities about the violations of Cuban airspace, and admitted that such flights also endangered the genuine efforts of the United States Coast Guard to rescue illegal Cuban emigrants.

I shall refer briefly to just a few of the violations committed after that meeting. On 10 November 1994, two Cessna 337 aeroplanes, which took off from the naval base occupied by the United States in the territory of Guantánamo, flew over the eastern end of the country and dropped subversive flyers.

On 4 April 1995, another Cessna 337 aircraft entered Cuban jurisdictional waters north of the city of Havana and flew for more than 40 kilometres along the coast, at a distance of five to 10 nautical miles off shore.

On 13 July 1995, two aeroplanes again entered Cuban jurisdictional waters north of our capital, went into a zone where air traffic is forbidden and flew over the city at a very low altitude, dropping propaganda in support of the flotilla carrying anti-Cuban elements which, having departed from Miami, had come together 22 kilometres north-east of Havana and had also entered our jurisdictional waters.

On Saturday, 2 September, that same year, five Cessna aeroplanes and five helicopters flew in support of a similar flotilla, which was supposed to travel from Miami to the north of the beach resort of Varadero in Matanzas province. That time the aircraft left the operations zone when the aggression was aborted due to the negligence of the participants, which caused the sinking of a boat and the death of one of its crew. On 9 and 13 January 1996, two actions of particular relevance and importance occurred, constituting an immediate precedent to the 24 February incident: aeroplanes belonging to Brothers to the Rescue dropped over the city of Havana tens of thousands of flyers with subversive propaganda exhorting the population to carry out actions against the Cuban constitutional order. The Cuban Government officially notified that of the United States of this serious violation, as it had of the others. But it was also loudly publicized by the perpetrators themselves through the United States media.

Here I make a very important point: many people, even our own friends in the United States, ask us, "why did you shoot those planes down at this very time?" That is, why did it happen in this delicate and dangerous season of the mean and unscrupulous electoral race in the United States, on the eve of the November elections?

The question is justified. But I am obliged to say — and beg to be understood — that this incident was not the result of a deliberate action by Cuba.

This is what happened: after the provocations carried out on 9 and 13 January, the situation became intolerable to us. The Cuban population reacted with indignation and concern to these flagrant violations of our airspace. And it was immediately following these events that the Cuban Government instructed its air force that what had happened on 9 and 13 January could by no means be tolerated.

But it did not limit itself to that: even though it had repeatedly warned the United States authorities publicly and in official notes, it decided to convey to the United States Government, through serious and reliable channels, that there was a risk of a serious incident, given the increasingly aggressive and irresponsible actions of the aeroplanes that were violating our airspace.

We actually begged the United States Government to do everything in its power to prevent those flights, which violated not only our laws, but also the laws of the United States itself. This was an additional, special request. We had no further means of preventing the incident, except giving up the dignity and sovereignty of our country. We can certify that our persistent request reached the decision-making levels of the Government of the United States. We were assured that everything possible would be done to prevent such an incident.

It was not we who could prevent those violations from continuing. The Government of the United States, from whose territory the aggression originated, was the only one with the power to do so.

We do not say this in the simple hope that we will be believed with no supporting facts. There is irrefutable evidence that the United States Government too was concerned about the actions of this organization, concern that was expressed in the various notes that the United States authorities addressed to us during this time in response to our warnings.

In note number 577 of 18 October 1995 from the United States Interest Section in Havana, the Government of the United States informed the Government of Cuba that members of that organization intended to approach the limits of Cuban airspace on the twenty-first of that month, with the purpose of

> "broadcasting television and short-wave radio signals to Cuba from boats located outside Cuban territorial waters, for a period of time of about a half hour".

In the same note it was stated that

> "Officials of the United States have warned the flotilla organizers of the provisions of international law and of the United States law regarding non-authorized broadcasting from ships or airplanes registered in the United States, and have urged them not to perform illegal broadcasting".

Earlier, in a State Department note delivered on 28 August 1995, the Cuban Government was informed that the Federal Aviation Administration was investigating the possible violation of annex 2 of the Convention on International Civil Aviation by the head of that organization. On 5 October of the same year, in note 553 of its Interest Section in Havana, the United States Government notified the Cuban Government that the Federal Aviation Administration was accusing its head of having violated federal aviation regulation FAR 91.703 by piloting an aeroplane with a United States registration number within a foreign country without complying with the regulations of that country, and regulation 91.13 by negligently or recklessly piloting an aeroplane, thus endangering the lives and property of others. That same note added that the Federal Aviation Administration was requesting from the Cuban Government evidence that might prove relevant to these accusations against the top leader of that organization.

On 16 February 1996, a week before the incident we are considering, besides thanking the Cuban Government for the information it had supplied, the United States Government, by means of a State Department note, informed the Cuban Government that the Federal Aviation Administration was continuing its investigations concerning the head of the aforementioned organization, who was facing charges of violating federal aviation regulation FAR 91.703.

It is plain to see that the United States authorities were fully aware of the existence of a group organized in United States territory, in possession of aeroplanes and engaged in carrying out activities not in line with the legal provision of international air service, using these aeroplanes with clearly provocative purposes, failing to recognize Cuban sovereignty and ignoring the very regulations of the State where those aeroplanes were registered and where the licences to fly them were issued to their pilots.

If we are to blame for any mistake in our behaviour in the events of 24 February last, that mistake would be to have trusted a country as powerful as the United States to be able to stop groups of irresponsible people from carrying out perfectly avoidable actions that could even drag it into a genocidal war against our people.

On the morning of that day, aeroplanes belonging to Brothers to the Rescue flew north of Havana and entered our airspace. These flights did not conform to international or national civil aviation standards, since their take-offs and flight plans had at no time been reported. Moreover, before entering our flight information region they established no communication with our aeronautical authorities. For that reason, at 10.40 the Cuban authorities requested information from the Miami air traffic control centre, which replied that it had no information whatsoever. In view of this, aircraft of the Cuban air force took off and the pirate aeroplanes

consequently withdrew. On the afternoon of the same day, three aircraft, violating their flight plan, began to enter a dangerous, activated zone, despite warnings from the Havana air traffic control centre. The head of the band that was taking part in the action answered that he knew it was prohibited to fly in that zone, but that they would nevertheless do so, and from another plane it was indicated that they were heading for Havana.

In these circumstances, two intercepting fighters of the Cuban air force took off and performed the preventive warning pass. As there was no response and, according to the Cuban pilots and air command, two of the pirate planes, at a distance of five to eight miles from our coast, had the capability to repeat the actions of 9 and 13 January, the anti-aircraft defence Command Post — in view of the instructions received since mid-January, of the powers vested in it and of the fact that such violations and actions occur in a matter of minutes — ordered the fighters to shoot down the two planes. The third, which by then was out of our airspace and flying away, was pursued no further.

The Cuban Government assumes full responsibility for the patriotic action carried out in legitimate defence of the sovereignty and security of our country.

Helicopters and surface units of our Border Guard Troops immediately began search-and-rescue operations for possible survivors, which were continued through 25 February. At 10 a.m. on that day, at a distance of 9.3 miles north of the Havana coastline, a group of technical objects were found, among them navigation charts, a travel bag and a portable battery charger.

The Cuban Government was the first to express publicly its regret for the loss of human life that occurred on 24 February as a result of irresponsible and criminal actions against our people — before the Government of the United States did so and long before the Security Council. On the very day of the events, the first statement issued by our Ministry of Foreign Affairs on the matter stated that Cuba had immediately accepted the request for units of the United States Coast Guard to enter our territorial waters to participate, together with Cuban units, in search-and-rescue activities at the spot where the two planes had come down. This would also allow us to infer that the authorities themselves realized from the very first moment that the event had occurred within Cuban territorial waters.

We do not really believe that the United States Government wished to provoke the incident of 24 February and the conflict that might have resulted from these developments. We do assert that the United States did not take effective and timely measures to avert those events. The decisions taken by President Clinton in the past few days and carried out by the United States authorities on Saturday, 2 March, were able to prevent another provocation planned for that day by the very same perpetrators of the previous violations. If those decisions had been made and carried out earlier, these events would not have taken place and we would not have to regret the loss of human life.

Some have even gone so far as to state that Brothers to the Rescue is a humanitarian organization. This Assembly should know that that gang, founded in 1991 and officially registered as a not-for-profit organization without political interests, is actually financed by the shady money of extremist Miami mobsters. It would be interesting to investigate the links between the Cuban American National Foundation and that group or to delve deeper into the intensive negotiations carried out by Congresswoman Ileana Ros-Lehtinen to get the United States Department of Defense to donate to the group or sell it cheaply three planes of the type used against Cuba.

Cuba knows the top leader of that organization, José Basulto, quite well. He was recruited by the Central Intelligence Agency (CIA), trained in Panama and Guatemala and later infiltrated into Cuba before and after the Bay of Pigs invasion. In 1963, he was again infiltrated as the radio operator of a terrorist commando unit, and in 1966 he worked for the CIA in Brazil. The Cessna 337 that he personally uses in his misdeeds against Cuba has the number 2506 painted on it in large figures. This was the number of the mercenary brigade that, directed by the United States, invaded our country's Bay of Pigs in 1961, which gives us an idea of his political and moral stripe. This is the record of an individual who now wishes to present himself as a champion of humanitarian causes.

After Cuba and the United States signed the agreements that put an end to illegal emigration, the apparent purpose of that organization — promoting illegal emigration to the United States — ceased to exist. That was how the provocation, planning and execution of terrorist actions became its sole and obvious purpose. They began using their planes in more overt, hostile and dangerous activities in Cuban territory. In carrying out their actions, they have used twin-tail Cessna airplanes of military design from the United States armed forces, planes that were used for reconnaissance and combat

actions in the Viet Nam War. If any doubts should remain on this matter, one can consult the 19 July 1992 issue of *El Nuevo Herald* of Miami and see the photo of a Brothers to the Rescue aeroplane still bearing the initials of the United States Air Force.

Cuba has sufficient evidence that this organization made plans to dynamite high-tension towers in Havana, to sabotage the Cienfuegos oil refinery and to carry out attempts on the lives of the main Cuban leaders, among other actions. All these antecedents must be borne in mind in order to understand the reasons behind the Cuban decision not to allow that organization's aircraft to overfly Cuba with impunity. The gang's aggressive plans leave no room for doubt that it is a paramilitary, terrorist organization in open war against our country.

Not only do its activities constitute hostile and provocative actions against the Republic of Cuba, with all their consequent seriousness and risks and their flagrant violation of the sovereignty and integrity of a State; it must be stressed that all the activities of this organization also constitute violations of the norms regulating international civil aviation and consequently endanger the lives and safety of many people and aircraft.

Their intention of making radio and television broadcasts from international airspace — denounced, as I have said, by the United States authorities themselves — is evidence of this, as are their alterations of the flight plans that must be presented to the aviation authorities of the country of origin, their flights at low altitudes or over unauthorized zones of the territory of the United States itself and their use of radio communications for purposes other than those for which they are intended. Further evidence of this is the dangerous, irresponsible, uncontrolled and unregulated intrusion of this organization's aircraft, for purposes other than providing air service, into a zone of significant international civil aviation activity and one of the most active international air corridors of the western hemisphere.

Approximately 400 regular commercial flights pass through Cuban air corridors every day and receive the necessary support and cooperation of our aviation services at all times. Thousands of United States citizens and citizens of many other nations pass through Cuban skies daily without risk or difficulty. There has never been a single incident that has affected civil transportation through Cuban airspace.

In short, our country is one of the world's major providers of aeronautical services to the companies and travellers of the very same country that not only blockades us but also hinders the normal development of Cuban activities in this sector. Not only that: hostile actions violating international air navigation norms have been carried out from that country's territory over the years, actions that continue to this day. And to cap it all, we are the country that they are trying to condemn, without justification, for crimes that not only has it not committed, but of which it has been the victim.

Cuba quickly expressed its willingness to collaborate with the International Civil Aviation Organization (ICAO), because no one could be more interested than Cuba in a complete clarification of these events and, above all, in ensuring that they are not repeated. We request that the United States also facilitate all the work of investigation and clarification.

Coincidentally, the ICAO Council is in session today in Montreal, Canada, and, although our representatives there will present Cuba's position, I should like to share with the General Assembly some relevant points. Cuba is a founder member of ICAO, and its airline, *Cubana de Aviación*, is one of the oldest in the world. Cuba has never been taken to task by ICAO for any reason whatsoever. On the contrary, our country provides proper aeronautical services to airlines and their passengers worldwide. In the entire history of aviation, Cuba has never violated the airspace of any State, much less that of the United States.

We are in New York City, one of the easiest cities in the world to get to by air. However, the distance a Cuban plane has to cover to get from our island to this city is difficult to imagine. Cuba is absolutely prohibited from using international air corridors that cross the United States.

To judge Cuba's legitimate reaction in defence of its sovereignty over its airspace, a legal instrument was invoked that, as it was never ratified in the time-frame required, is completely without legal force. Article 3 *bis* is nothing more than a proposal, identified as resolution A 25-1, which was agreed upon at the twenty-fifth special session of ICAO. At the time, ICAO agreed that this amendment, in accordance with Article 94 of the Chicago Convention, would take effect only after being ratified by 102 ICAO members. It has been ratified by only 82.

It is quite amazing to find a body, at an emergency meeting, questioning a State by invoking a legal precept that, strictly speaking, is not in force. Of the 15 States members of the Security Council that participated in this decision — which affects my country — nine are not signatories to Article 3 *bis*. Neither has it been adopted by Cuba or the United States.

With regard to the incident that occurred on 24 February last, a concerted effort was made, in official statements by American spokespersons and in various media, arbitrarily to identify actions against Cuban territory as activities appropriate to civil aviation and to lay heavy stress on the civilian status of the downed planes. However, a simple look at the facts, the events leading up to them and their context show clearly that any such claims are completely baseless.

Havana and other places in Cuba have, on many occasions, been bombarded and strafed by "civilian" aircraft. Spies and saboteurs have been brought into our country by "civilian" aircraft. Incendiary devices and explosives have been dropped onto our cane fields and other economic targets by "civilian" aircraft. And biological warfare has been waged against Cuba using "civilian" aircraft.

In every instance of this litany of acts of aggression, including the most recent, these aircraft traded in their identities as civilian aircraft and became planes conducting military actions.

Would the United States have tolerated provocations of the sort that Cuba has had to tolerate? Would the United States authorities have allowed aircraft coming from Cuba — or from any other country, for that matter — to enter into their airspace illegally to drop subversive flyers? What would have happened if civil aircraft coming from Cuba had disobeyed the instructions of United States air-traffic controllers? Could Cuban civil aircraft penetrate with impunity the security zones of the Andrews or Fort Meade air bases near Washington, D.C.? Would the United States have tolerated the implicit threat to its air defences and to the protection of its borders? What would have been the reaction of United States public opinion having the impunity represented by such incursions flaunted in their faces?

The answers to these questions require no particular stretch of the imagination. But it is not even necessary to make even that much effort: the answer was given a few days ago by a spokesperson for the United States Defense Department, who, when asked by journalists what the United States reaction would have been, declared that it would not have permitted it.

My country has every right to not tolerate the inadmissible. We exercise the self-same sovereign right that all States have to defend the territorial integrity of our country, its sovereignty and the peace of mind of our citizens. No one has the right to toy with Cuba's freedom and independence, and much less so to breach them with impunity.

There are no moral grounds for requiring explanations from us, especially since the country that is doing so is sheltering within its borders those who are materially and intellectually responsible for masterminding and executing the 1976 sabotage in Barbados of a Cuban civilian aircraft that cost the lives of 73 people. That same country used every procedural trick in the book to prevent the Security Council from examining the case. If the humanitarian concerns that are being voiced today were genuine and if there had been the slightest interest in seeing justice done and considering just the scale of the tragedy, a few hours in the Security Council would have been enough to take action against one of the most damnable and shameful of the long list of aggressions committed against our people.

We are asking the Assembly if the sovereign right to defend a country's borders and national security belongs only to the powerful and not to poor or small countries. If the world tolerates what has happened to Cuba, it would be giving free licence to violate national sovereignty and would turn all nations in the international community into potential victims.

Suspiciously enough, these events come together at one point: the passing by the United States Congress of the infamous piece of legislation aimed at definitively blockading Cuba from the rest of the world, when over 35 years of a cruel and ever-worsening economic, commercial and financial blockade have failed and has been condemned year after year by this sovereign Assembly.

It is clear that what has been set in train is a petty conspiracy on the part of the Cuban-American far right, in complicity with the most extremist members of the United States Congress. This conspiracy is targeted not only against Cuba but also against the United States Administration, in order to drag it into a situation involving serious contradictions and problems, some of

a warlike nature, in the midst of a ferocious electoral battle for the presidency of the nation. The first serious consequence would be, at least, the final ratification of the criminal Helms-Burton bill. The United States Government, which is now adopting measures against Cuba, should realize that these provocations are also directed against itself.

Let it be clear that one of these measures that has just been adopted by the Government of the United States in the heat of these events — the one that supports the Helms-Burton bill — is an open challenge to this Assembly's majority condemnation in recent years of the economic, commercial and financial blockade imposed against our country. Let it be clear that the Helms-Burton bill is not directed only against Cuba but also against humanity. That bill is directed against all of you and against all those who desire to exercise their right to have relations with, trade with and invest freely in Cuba. It elevates contempt and disregard for the sovereignty and self-determination of peoples to incredible heights, and from those heights it tries out the new world government reserved for the rest of us in the next century by those promoting the bill. It also constitutes a weather balloon indicating the extent to which the agenda of the ultra-right can be imposed on the political system and society of the United States.

The extraterritorial dimensions of the Helms-Burton bill also constitute an effort at legislation that goes beyond national boundaries and violates the laws of countless countries that have nothing to do with the country where the bill is being promoted. It curtails freedom of commerce, which seemed to be a sacrosanct principle of the contemporary economic system, and it creates international legal precedents through its title 3, the effects of which no country on Earth is likely to avoid.

If one were to review one by one the measures taken in the last few days, they would all seem to satisfy the political appetite of the Cuban-American mobsters of Miami, who rave desperately at Cuba's efforts and results in its economic recovery, in the strengthening of its democratic institutions and its dignity and in the consolidation of the socialism that it chose as the present and future of its people. Those mobsters will continue to be against everything, and for them everything we do will continue to be insufficient.

They are bothered by the fact that the world is opening up to Cuba and that Cuba has opened up to the world. They are offended that the community of nations condemns year after year and in growing numbers the flagrant and massive violation of the right to life of 11 million Cubans, which is just what the blockade against Cuba means. They are annoyed that with each tourist and businessman who enters the island, the wall of lies they built around our country over the years is being taken down brick by brick.

To those who long ago declared invalid any legal measure of a foreign country against their businessmen and nationals, we here send a message of hope: Cuba, the island of the bold, is not going to turn away from the road it has taken; it will not violate the hopes and trust of its friends or partners, in spite of threats and multilateral or bilateral measures that someone might try to impose upon it.

Nothing, absolutely nothing, will take away our dream. We learned a long time ago that when faced with an arrogant and bullying neighbour there is no place for weakness. Living without fear is what has allowed us to survive up to now. We know well that that challenge is the price of living in freedom and without a master. We do not raise our voice; we do not use vulgarities or unjustified insults. We have no need of hysteria or of fantastic fables. We know, after 37 years of battle, that the truth has power, not for the tone in which it is proclaimed, but rather for the convictions and the principles on which it is based. We are a small country, but our sky, our sea, our soil and our flag will never be violated, humiliated or mocked by anyone.

Much blood was shed for almost 100 years as Cubans struggled to free themselves from all types of colonialism and to build the free, democratic, sovereign and independent country we have today. Our history, our dead and our heroic people deserve great respect, and we desire peace and tranquillity for our children too fervently to renounce our vigilance over our sovereignty.

Our readiness to enter into dialogue has been consistently demonstrated in the course of our relations with the United States. Cuba has given ample proof of its good faith and of its desire to make headway in the search for ways to resolve the conflicts that have been present in these relations, as well as its willingness to comply with all the commitments it has entered into. We demonstrated this by scrupulously complying with the accords reached at the end of the war in Angola, after fulfilling our duty to support generously with our blood the sovereignty of that country. We showed this too in the context of the implementation of resolution 435 (1978), the independence of Namibia, and the end of

apartheid. We have demonstrated this through citizens' travels between Cuba and the United States and other forms of communication, by establishing and developing relations between our country and the Cuban community abroad and through the accords on migratory issues, to mention only a few examples.

In these and other cases, it is perfectly clear that the problems in bilateral relations between Cuba and the United States can be resolved if there is a will to do so through appropriate procedures. Cuba, for its part, maintains that will. We are not interested in confrontation, nor do we desire it. If the Government of the United States is really interested in eliminating or reducing the points of friction or conflict between our two countries through discussions and negotiations, we reiterate here that Cuba is and will be quite ready to advance in that direction.

But if the intention here is to try to pressure or threaten Cuba with condemnations or sanctions, then it is also well to reiterate here that we have never yielded to pressures or threats. We did not do so when our people were faced with the imminent threat of nuclear annihilation in the crisis of October 1962. We will not do so now.

This is the time to show truly whether or not the world wants peace, well-being and the right to freedom with justice that we Cubans have given ourselves, or if the world is going to back up those who in the guise of civility instigate war and impede good-neighbourly relations between Washington and Havana, as well as the normal, healthy connection with their homeland that the majority of Cuba's children living in the United States desire.

Cuba has come to the General Assembly not simply to inform it, without misrepresentations or errors, about the events that have taken place and to explain its point of view on a situation that affects it directly; Cuba has also come here to say that we are convinced that, just as today this issue is about Cuba, tomorrow any of us could fall victim to similar manipulation.

From my country's point of view, it is not the role of this Organization to serve as an instrument for the powerful to promote their political options. Its true objective should be ultimately to forge a world in which the right to life in peace and dignity is respected by all countries equally and where development takes the place of the poverty, ill health and ignorance that today beleaguer the majority of the human race; a world where cooperation is no longer a senseless concept and becomes a common practice and where justice and equality in international relations become the highest law of a different way of life, on a planet whose limited space we all share; a world in which peace is not imposed by force of arms, but, rather, springs naturally from the equitable development of all countries and where international law is applied equally to all nations.

Its goal, finally, should be a world where the principles of sovereignty, territorial integrity, national independence, sovereign equality and non-interference in the internal affairs of States are respected without limitations or strings attached, with the spirit that should prevail in the United Nations Decade of International Law.

In the struggle that we all wage to achieve these objectives, the international community has counted on Cuba in the past and can continue unequivocally to count on it now.

Our country is today engaged in a titanic effort to develop itself in the midst of very difficult circumstances imposed on us by the ironclad blockade imposed upon us for the last 37 years by the Government of the United States. Why does the Security Council, which is acting with such diligence in the case of the two planes that violated our airspace and were shot down on 24 February, not do the same and consider the blockade policy against Cuba, which has been condemned no less than four times by the General Assembly? Why does the Security Council not discuss the plans within the United States to intensify further the blockade against Cuba and criminally aggravate its brutal effects on Cuba's people? Why does it not study the behaviour of a Member State that treats the decisions of the General Assembly with contempt and thereby underrates them?

We trust that, this time, the scenario to which we are unfortunately accustomed will not be replayed: that there is no intention to condemn and raise sanctions against the victims and not the aggressors.

Threats have meant nothing to us, nor has the abuse of power that corrupts and humiliates those who join in with or submit to it. For a long time now, since our parents' generation began the final battle to win our country's freedom, we have been learning that there is no form of brute force that can bring to heel a people who were born and took their first steps in this world with their heads already high.

The Acting President: I shall now call on those representatives who wish to speak in exercise of the right of reply.

May I remind members that statements made in exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention, and should be made by delegations from their seats.

Ms. Albright (United States): I have listened with care to the presentation of the Cuban Foreign Minister. I have listened with care for an apology for the breaking of international law; for a simple, unqualified expression of regret at the death of four young men; for an offer to compensate the families; and for a promise in the future to comply with the obligations by which all nations must live. I have listened in vain.

The United States did not, and does not, seek a confrontation with Cuba. My Government, and its people, wish with all our hearts that this tragic incident had not occurred. But we cannot be silent when our citizens are murdered, and we will not allow the Cuban Government, which ordered this crime, to transfer blame to the victims of it.

Last week in the Security Council, we listened to the Permanent Representative of Cuba explain his Government's view. The United States waived normal visa requirements to allow the Cuban Foreign Minister to travel promptly to New York. And, as President of the Security Council, I offered him an opportunity to speak to that body as soon as he arrived in New York. He declined that offer. And now we have the statement he has just made.

Unfortunately, all we have heard from the Cuban Government thus far is propaganda and not fact. The fact is that, on 24 February, the Cuban military knowingly, wilfully and in broad daylight shot down two aircraft that were unarmed and clearly marked as civilian. As Cuban officials were well aware, those aircraft posed no threat to the Cuban people or Government. The aircraft were in international airspace, and they were destroyed intentionally and in clear violation of international law.

Although Cuba would like to obscure this issue, the question of legality is not obscure, but plain. Cuba's shooting down these aircraft violated the prohibition under customary international law against the use of weapons in such circumstances against civil aircraft in flight. This prohibition is longstanding and does not depend on whether article 3 *bis* of the Chicago Convention is in force.

That is why all 15 members of the Security Council joined in declaring these airborne murders an international crime, and it is why the Council's statement has been echoed by so many other countries from around the world.

As we speak, this incident is being discussed before the International Civil Aviation Organization. My Government looks forward to the investigation that is to be conducted by that organization. We will cooperate fully with it, and we were pleased to hear that the Cuban Government also intends to do so.

Behind the smokescreen of rhetoric offered by the Cuban Government regarding this incident is a simple matter of right and wrong, of what is legal and what is not. The only warning provided to these aircraft was via the Havana civilian air traffic controller as the planes approached the twenty-fourth parallel, roughly midway between Florida and Cuba. The Havana centre informed the pilots only that they would be in danger if they operated in an active military warning area south of the twenty-fourth parallel — but still within international air space. The MIG fighters that shot the planes down never attempted to establish radio contact; the fighters did not approach or signal the planes to land; no warning shots were fired; no warning was given to the United States aircraft that an attack was imminent.

Indeed, the transcript of conversation between the Cuban pilots and their base establish that their only intent was to shoot these small, unarmed aircraft down. One of the pilots even stated, "If we give it a pass, it will complicate things".

In his statement, the Cuban Minister makes reference to earlier flights by the group "Brothers to the Rescue" that have entered Cuban airspace. Cuban complaints regarding these flights were being handled by the United States in a manner consistent with the Chicago Convention.

We are proud of being a nation of laws and not impunity. The Cuban Foreign Minister himself details our efforts at dealing with these flights. We took this matter seriously because we did not want an international incident to occur, but never in any of our diplomatic exchanges with Cuba on this subject, did the Cuban Government allege that "Brothers to the Rescue" was a

terrorist organization or was planning acts of terrorist violence. And we consistently pointed out to Cuban officials that, while we did not sponsor the group's activities, we had been assured of its peaceful intentions.

Last Saturday, in Miami, I had the opportunity to meet with the families of the four men who were killed — Mario de la Peña, Pablo Morales, Carlos Costa and Armando Alejandre. I had the opportunity to talk to their parents and other family members. And I had the opportunity to ask the mothers of these young men about their sons. What they told me is consistent with the objective record. These were men filled not with bitterness and hate, but with concern for the survival of those who might be tempted, as they had been tempted, to flee Cuba's despotic regime. They were peaceful, not violent men.

It is preposterous to believe, as the Cuban representative would have us do, that the young men in those unarmed planes were enemies of the Cuban people. On the contrary: in their love of freedom and of their native land they exemplified the Cuban people. Perhaps that is why they so closely reflected, in their lives and in their deaths, the words of José Martí:

> "Like bones to the human body, the axle to the wheel, the wing to the bird and the air to the wing, so is liberty the essence of life".

The fundamental issue at stake here is not complicated. It is not a question about which there can be two competing coequal arguments. It is not a political question. It is a question of whether it was acceptable for Cuba to shoot down these two unarmed civilian aircraft. My Government submits that this action was wrong, that it was a blatant violation of international law, and that it should be denounced as such by all members of the international community.

Mr. Robaina González (Cuba) *(interpretation from Spanish)*: We, too, had hoped to hear something different from the United States delegation. Or, to be more precise, all of us could have hoped to hear a different sort of statement from that delegation. Its statement shows clearly, once again, that the United States wishes to present the events to the international community from a certain point of view. It refers only to the events that took place and even alleges that smokescreens have been created by the Cubans. Throughout the course of events from 24 February last until now, we have made Cuba's position very clear: we have simply said to the international community that we have every right to be heard.

I do not believe that in its reply, which it has the right to make, the Government of the United States has told the entire truth. The United States continues to present this action in prefabricated form to the world, as if it had resulted from a Cuban initiative and as if it were a simple act of aggression — but it was one that we did not provoke.

The United States Ambassador did not tell the whole truth in her statement. It is important that the international community know the extent to which the information we supplied reached the highest levels of the United States Government and that it has not done, as the United States Ambassador must know, everything that it promised. It is important to note that we are not talking merely about a Cuban provocation or excessive use of force, as has been claimed. The issue is not as simple as that. It is not simply a matter of arguing over right and wrong. The fact is that the United States continues to speak as if it could direct the world from its seat. My country, the one that was provoked and subjected to aggression, has expressed its readiness to cooperate with the investigation, but one must investigate beyond what happened on 24 February. The United States Ambassador said that she had had the opportunity to meet with the families of those who lost their lives in this irresponsible action; we, however, for more than 30 years have been living with and sharing the lot of the families of the thousands of victims who have lost their lives because of United States aggression. In the air, on land and at sea, those deaths were the result of actions directed and permitted by the United States. We have suffered the loss of hundreds of sons and daughters of the Cuban nation.

Therefore, neither the Security Council nor the United States delegation should believe that they have the right to close the investigation nor should they ask the world to do so. It was we who asked the International Civil Aviation Organization (ICAO) to open the investigation. It is not the United States to which we have to provide all the evidence we have for the investigation. The United States makes the mistake of saying — and I hear this both in what it says and how it says it — that it does not need the conclusions of any investigation, because United States intelligence, looking down on us and trying to direct us from on high, has already concluded the investigation. But it has emitted a real smokescreen by pretending to await the conclusions of ICAO. From what I have heard, the conclusions have already been reached. Or at least, the tone in which the Ambassador of the United States has addressed this Assembly suggests that they have

When we requested the opportunity to speak, it was not to ask the Assembly to investigate anything, but merely so that it would hear us. I do not believe that the United States has much need for the General Assembly to hear it, because from the time these incidents began the United States has seen to it that the world has heard it. It has campaigned for this purpose using its power, its experience and its position of responsibility in the Security Council. It succeeded in having the world hear the United States long before it heard us. We wanted the General Assembly to hear the Cuban side of the argument, ICAO to investigate and the United States to be absolutely convinced that it is not the only country that can open up the investigation.

We will cooperate across the board. But neither before, during or after such cooperation, will my country ever allow the United States to dictate what we must do or what conclusions are to be drawn. The world should not have to accept what is dictated by the United States. I would ask for the United States to be given a lesson in humility, that for once it should listen to the world. If it will not listen to the world, I would ask that it at least respect the investigation and wait for its conclusions.

The Acting President: I now call on the Permanent Representative of the United States, who wishes to speak a second time in exercise of the right of reply. The intervention is limited to five minutes.

Mrs. Albright (United States of America): We are a nation of laws. We followed our laws and will continue to do so. This tragedy is the result of the Cuban Government's failure to follow the law of all nations. Cuba has violated international law, and I still await an expression of regret for doing so. No words here can exonerate the cowardly act of the Cuban Government, which ordered the shooting down of unarmed civilian planes with air-to-air missiles launched from advanced fighter aircraft. Furthermore, the Security Council, on behalf of the international community, made it quite clear that this was an international crime. Nothing the Foreign Minister has said or could say can change that fact.

The Acting President: I now call on the Foreign Minister of Cuba, who wishes to speak a second time in exercise of the right of reply. The intervention is limited to five minutes.

Mr. Robaina González (Cuba) *(interpretation from Spanish):* We could go into an interminable discussion in this setting. This is not Cuba's intention. What is curious and really alarming is to hear a country such as the United States say that another country is in violation of international laws.

Five minutes would not be enough for me to simply recite the long list of international violations committed by the country that would now condemn us.

I would not speak so assuredly on behalf of a Security Council that offers us nothing but insecurity. Five minutes is more than enough time for me to make it clear that my country's assuredness of its actions does not depend on an organ that offers the world absolute insecurity. Nothing makes us feel more insecure than a Security Council meeting. It is very difficult for us to listen to a speaker use words that are not exactly those of the statement adopted by the Security Council.

I call upon the United States not to take the presidency of that organ again. It is not the president of the Security Council now, and when speaking of the Council statement, it should conform to the letter of that text, not refer to its intentions. But it is clear that the United States wants to hold on to the presidency of the Security Council.

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 140.

The meeting rose at 12.15 p.m.